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FOR IMMEDIATE RELEASE
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FATAL INJURIES AT 2011 INDIANA STATE FAIR RESULT IN SAFETY VIOLATIONS ASSESSED AGAINST THREE ORGANIZATIONS

INDIANAPOLIS (February 8, 2012) – The Indiana Department of Labor announced today it is citing three organizations involved in the Indiana State Fair accident on August 13, 2011 that resulted in fatal injuries of seven people including two employees. The IOSHA investigation resulted in the following:

1. A Safety Order was issued to the Indiana State Fair Commission citing them for a “serious violation” for failure to conduct a life safety evaluation that included an assessment of all conditions and the related appropriate safety measures of the Indiana State Fairgrounds concert venues at the 2011 Indiana State Fair. A penalty of \$6,300 was assessed.
2. A Safety Order was issued to Local 30 of the International Alliance of Theatrical Stage Employees including Theatrical Payroll Services, Inc. for three (3) “serious violations” and one (1) “non-serious violation.” Citations included failure to consider soil conditions when placing cable anchor points for the grandstand stage; failure to provide fall protection for employees working 4 feet or more above ground level; and, failure to conduct a personal protective equipment hazard assessment of the worksite to determine the personal protective equipment required while erecting the load bearing roof and the grandstand. The non-serious violation involved failure to maintain proper OSHA records for four years.

Penalties of \$3,500 were assessed for each serious violation, and a penalty of \$1,000 was assessed for the non-serious violation. Total penalties assessed were \$11,500.

3. A Safety Order was issued to Mid-America Sound Corporation for three (3) “knowing violations.” These violations included failure to develop and implement an Operations Management Plan, the failure to develop a risk assessment plan, failure to maintain and use current engineering calculations and documentation, and failure to provide appropriate, qualified supervision.

Each knowing violation was assessed a penalty of \$21,000. Total penalty assessed was \$63,000.

“The Indiana Department of Labor, through its Indiana Occupational Safety and Health Administration, undertook a 6-month investigation of whether any health or safety standards that were owed to employees on the premises were violated,” noted Commissioner Lori A. Torres.

“The investigation does not address duties to the public and it was not an investigation of causation. IOSHA does not as standard practice establish causation. When an employee is killed while working,



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Department of Labor

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Indiana law establishes a duty on the employer to ensure that fatality is reported. IOSHA then determines whether it falls within its jurisdiction to investigate that fatality. The investigation is conducted to determine if established safety standards were violated by any employer on site. Because two employees were killed as a result of the collapse of the load bearing roof, an IOSHA investigation was initiated.”

“We have issued knowing citations to Mid-America Sound Corporation, which indicates the most serious safety violation,” said Commissioner Torres during a morning news briefing at the Statehouse in Indianapolis. “The evidence demonstrated that the Mid-America Sound Corporation was aware of the appropriate requirements and demonstrated a plain indifference to complying with those requirements.”

“The State Fair Commission failed to have conducted an adequate life safety evaluation and plan prior to the event,” noted Commissioner Torres. “The commission simply did not establish and maintain conditions of work for its employees that were reasonably safe and free from recognized hazards.”

She also noted that IATSE Local 30 clearly acted as an employer and failed to take proper safety precautions for employees and failed to take appropriate steps to ensure the load bearing roof was properly secured.

Maximum penalties that may be assessed under Indiana law are:

- Non-Serious Violation: \$7,000
- Serious Violation: \$7,000
- Knowing Violation: \$70,000

Each organization was informed of the investigation findings this week prior to the 10 a.m. news briefing. Each will have 15 business days, by Indiana law, to pay the penalties or to contest them to the Indiana Board of Safety Review. All violations require abatement by March 6, 2012.

Indiana law requires that IOSHA investigations be conducted within 6 months of the date of the fatality. The investigation took 175 days and involved more than 2,000 man hours.

A copy of the safety orders are available on the Indiana Department of Labor’s website at:
www.in.gov/dol/2367.htm.

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About the Indiana Department of Labor:

The mission of the Indiana Department of Labor is to advance the safety, health and prosperity of Hoosiers in the workplace. In order to make significant strides, we emphasize both enforcement and compliance assistance by employers. www.in.gov/dol.